

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:

Suns Cinema, Inc.

t/a Suns Cinema

3107 Mt. Pleasant Street, NW

License No. ABRA-098888

Retailer Class CT

New Application

Case No. 15-PRO-00067

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Monday,  
August 17, 2015

ABRA Hearing Room  
Suite 400 South  
Reeves Municipal Center  
2000 14th Street, N.W.  
Washington, D.C. 20009

The hearing in the above-entitled matter convened, pursuant to notice, at 10:05 a.m. before the District of Columbia Alcoholic Beverages Regulation Administration Board.

BEFORE:

LAVERNE FLETCHER, Board Mediator

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:05 a.m.)

3 BOARD MEDIATOR FLETCHER: Please come  
4 forward the parties in the matter of Suns Cinema.  
5 This is Case No. 15-PRO-00067, Suns Cinema, Inc.,  
6 trading as Suns Cinema, 3107 Mount Pleasant  
7 Street, NW.

8 MR. PSOTKA: You just want the  
9 designated representatives for the protest group?

10 BOARD MEDIATOR FLETCHER: You can sit  
11 there. Everyone is going to speak into the  
12 microphone.

13 MR. PSOTKA: Okay.

14 BOARD MEDIATOR FLETCHER: Thank you.  
15 This is License No. ABRA-098888. This is the  
16 Retailer Class CT New Application. My name is  
17 LaVerne Fletcher, I'm conducting the Roll Call  
18 Hearing as the Board's Agent pursuant to D.C.  
19 Official Code 1601.2.

20 The protest issues in this case are  
21 adverse impact on peace, order and quiet,  
22 residential parking and vehicular and pedestrian

1 safety. Introductions, beginning with the  
2 applicant.

3 MR. KLINE: Good morning. Andrew  
4 Kline on behalf of the applicant.

5 MR. CABRERA: David Cabrera and Ryan  
6 Hunter Mitchell one of the applicants.

7 BOARD MEDIATOR FLETCHER: And could  
8 you state your name one more time and spell it  
9 for the record?

10 MR. CABRERA: Cabrera. C-a-b-r-e-r-a.  
11 First name David.

12 BOARD MEDIATOR FLETCHER: Thank you.

13 MR. MITCHELL: And Ryan Mitchell,  
14 R-y-a-n M-i-t-c-h-e-l-l.

15 BOARD MEDIATOR FLETCHER: Thank you  
16 very much. And present on behalf of the group of  
17 group of 14, the designated representative?

18 MR. PSOTKA: Jonathan Psotka. And  
19 that's P-s-o-t-k-a.

20 BOARD MEDIATOR FLETCHER: Can you  
21 spell that one more time.

22 MR. PSOTKA: It's P-s-o-t-k-a.

1 BOARD MEDIATOR FLETCHER: Okay. And  
2 is that the last name?

3 MR. PSOTKA: That's the last name.

4 BOARD MEDIATOR FLETCHER: And what's  
5 the first name?

6 MR. PSOTKA: Jonathan. J-o-n-a-t-h-a-n.

7 BOARD MEDIATOR FLETCHER: Okay. And  
8 you're the designated representative for the  
9 group?

10 MR. PSOTKA: Yes.

11 BOARD MEDIATOR FLETCHER: And is  
12 there anyone else present from your group? If  
13 so, if you would stand behind the microphone,  
14 state your name and spell it for the record.

15 MS. MAK: Sure. Linda L-i-n-d-a and  
16 last name Mak M-a-k.

17 BOARD MEDIATOR FLETCHER: Thank you,  
18 Ms. Mak.

19 MR. MORRIS: Seth Morris S-e-t-h  
20 M-o-r-r-i-s.

21 MS. MORRIS: Anne Morris. A-n-n-e  
22 M-o-r-r-i-s.

1 MS. JONES: Sarah Jones. S-a-r-a-h  
2 J-o-n-e-s.

3 BOARD MEDIATOR FLETCHER: Thank you.  
4 And did each of you sign the protest letter?

5 MR. PSOTKA: Yes, ma'am.

6 BOARD MEDIATOR FLETCHER: Mr. Psotka,  
7 I'm going to direct this question to you as the  
8 designated representative. I'm aware that  
9 initially the protest was dismissed because it  
10 was untimely and that the Board granted the  
11 reinstatement of the protest.

12 MR. PSOTKA: Yes ma'am.

13 BOARD MEDIATOR FLETCHER: The protest  
14 letter itself is not signed. Do you by any  
15 chance have any additional submissions to make  
16 today?

17 MR. PSOTKA: You mean a literal  
18 signature?

19 BOARD MEDIATOR FLETCHER: Yes.  
20 Protest letters have to be actually signed in  
21 order to be considered valid and, just so that  
22 you have the citation, that's pursuant to DCMR

1 1605.3. And I'll just read it into the record  
2 just for the record that requires that a protest  
3 actually be signed. DCMR 1605.3 states that "All  
4 protests shall be signed by the protestant and  
5 contain the protestant's full name and mailing  
6 address" -- which they did. So the full name and  
7 mailing address is there but not the signatures.

8 And, of course, you have a right to  
9 appear before the Roll Call Hearing to put any  
10 information you want on the record. Because the  
11 protest was not signed, the protest will have to  
12 be dismissed and standing cannot be granted for  
13 the group of 14.

14 However, you have the right to  
15 petition the Board for a reconsideration the same  
16 way that you did with the untimely petition. But  
17 for the purpose of the Roll Call Hearing the  
18 protest is dismissed. Did somebody want to make  
19 a comment?

20 MR. PSOTKA: Would it be acceptable  
21 to be signed by the group of 5 present for the  
22 Roll Call and submitted at this Roll Call

1 Hearing?

2 BOARD MEDIATOR FLETCHER: No, because  
3 the signatures would need to have been submitted  
4 before the end of the petition deadline.

5 MR. PSOTKA: And it's not the Board's  
6 policy to accept electronically signed letters?

7 BOARD MEDIATOR FLETCHER: There are  
8 no electronic signatures for this protest. This  
9 protest has the name, address, email addresses  
10 but no electronic signatures.

11 MR. PSOTKA: All right.

12 BOARD MEDIATOR FLETCHER: But you  
13 know the process already. You'll receive an  
14 order from the ABC Board dismissing the protest  
15 because they were not signed and upon receipt of  
16 that order you'll have 10 days to ask the Board  
17 to reconsider. For the purpose of the Roll Call  
18 that has to be the decision.

19 What that means is that at this point  
20 there is no pending protest. Mr. Kline, who's  
21 representing the applicant, will receive a copy  
22 of that Board order that you get and if you file

1 a motion for reconsideration then Mr. Kline will  
2 have the option to file a motion to your motion  
3 and then the Board would make a final ruling.

4 MR. PSOTKA: All right.

5 BOARD MEDIATOR FLETCHER: Okay. Mr.  
6 Psotka, did you put your contact information on  
7 that sheet?

8 MR. PSOTKA: I already have.

9 BOARD MEDIATOR FLETCHER: Okay. And  
10 my card is on the table if you have any  
11 additional questions so if the Board reinstates  
12 your protest I'll see you again.

13 MR. PSOTKA: Thank you very much.

14 BOARD MEDIATOR FLETCHER: Okay.  
15 Thank you. The Roll Call Hearing is concluded.

16 (Whereupon, the Roll Call Hearing in  
17 the above-entitled matter having been concluded,  
18 went off the record at 10:14 a.m.)  
19  
20  
21  
22



<p><b>A</b></p> <p><b>A-n-n-e</b> 4:21  <b>a.m</b> 1:20 2:2 8:18  <b>ABC</b> 7:14  <b>above-entitled</b> 1:19 8:17  <b>ABRA</b> 1:16  <b>ABRA-098888</b> 1:10 2:15  <b>accept</b> 7:6  <b>acceptable</b> 6:20  <b>additional</b> 5:15 8:11  <b>address</b> 6:6,7 7:9  <b>addresses</b> 7:9  <b>Administration</b> 1:3,20  <b>adverse</b> 2:21  <b>Agent</b> 2:18  <b>Alcoholic</b> 1:3,20  <b>Andrew</b> 3:3  <b>Anne</b> 4:21  <b>appear</b> 6:9  <b>applicant</b> 3:2,4 7:21  <b>applicants</b> 3:6  <b>Application</b> 1:11 2:16  <b>August</b> 1:15  <b>aware</b> 5:8</p>	<p><b>contact</b> 8:6  <b>contain</b> 6:5  <b>convened</b> 1:19  <b>copy</b> 7:21  <b>course</b> 6:8  <b>CT</b> 1:11 2:16</p> <p><b>D</b></p> <p><b>D.C</b> 1:18 2:18  <b>David</b> 3:5,11  <b>days</b> 7:16  <b>DCMR</b> 5:22 6:3  <b>deadline</b> 7:4  <b>decision</b> 7:18  <b>designated</b> 2:9 3:17 4:8 5:8  <b>direct</b> 5:7  <b>dismissed</b> 5:9 6:12,18  <b>dismissing</b> 7:14  <b>District</b> 1:1,20</p> <p><b>E</b></p> <p><b>electronic</b> 7:8,10  <b>electronically</b> 7:6  <b>email</b> 7:9</p>	<p><b>J-o-n-a-t-h-a-n</b> 4:6  <b>J-o-n-e-s</b> 5:2  <b>Jonathan</b> 3:18 4:6  <b>Jones</b> 5:1,1</p> <p><b>K</b></p> <p><b>Kline</b> 3:3,4 7:20 8:1  <b>know</b> 7:13</p> <p><b>L</b></p> <p><b>L-i-n-d-a</b> 4:15  <b>LaVerne</b> 1:22 2:17  <b>letter</b> 5:4,14  <b>letters</b> 5:20 7:6  <b>License</b> 1:10 2:15  <b>Linda</b> 4:15  <b>literal</b> 5:17</p> <p><b>M</b></p> <p><b>M-a-k</b> 4:16  <b>M-i-t-c-h-e-l-l</b> 3:14  <b>M-o-r-r-i-s</b> 4:20,22  <b>ma'am</b> 5:5,12  <b>mailing</b> 6:5,7  <b>Mak</b> 4:15,16,18  <b>matter</b> 1:8,19 2:4 8:17  <b>mean</b> 5:17  <b>means</b> 7:19  <b>Mediator</b> 1:22 2:3,10,14 3:7,12,15,20 4:1,4,7 4:11,17 5:3,6,13,19 7:2,7,12 8:5,9,14  <b>microphone</b> 2:12 4:13  <b>Mitchell</b> 3:6,13,13  <b>Monday</b> 1:14  <b>morning</b> 3:3  <b>Morris</b> 4:19,19,21,21  <b>motion</b> 8:1,2,2  <b>Mount</b> 2:6  <b>Mt</b> 1:10  <b>Municipal</b> 1:17</p>	<p><b>P</b></p> <p><b>P-R-O-C-E-E-D-I-N-G-S</b> 2:1  <b>P-s-o-t-k-a</b> 3:19,22  <b>parking</b> 2:22  <b>parties</b> 2:4  <b>peace</b> 2:21  <b>pedestrian</b> 2:22  <b>pending</b> 7:20  <b>petition</b> 6:15,16 7:4  <b>Pleasant</b> 1:10 2:6  <b>Please</b> 2:3  <b>point</b> 7:19  <b>policy</b> 7:6  <b>present</b> 3:16 4:12 6:21  <b>process</b> 7:13  <b>protest</b> 2:9,20 5:4,9,11 5:13,20 6:2,11,11,18 7:8,9,14,20 8:12  <b>protestant</b> 6:4  <b>protestant's</b> 6:5  <b>protests</b> 6:4  <b>Psotka</b> 2:8,13 3:18,18 3:22 4:3,6,10 5:5,6,12 5:17 6:20 7:5,11 8:4,6 8:8,13  <b>purpose</b> 6:17 7:17  <b>pursuant</b> 1:19 2:18 5:22  <b>put</b> 6:9 8:6</p>
<p><b>B</b></p> <p><b>beginning</b> 3:1  <b>behalf</b> 3:4,16  <b>BEVERAGE</b> 1:3  <b>Beverages</b> 1:20  <b>Board</b> 1:3,20,22 2:3,10 2:14 3:7,12,15,20 4:1 4:4,7,11,17 5:3,6,10 5:13,19 6:15 7:2,7,12 7:14,16,22 8:3,5,9,11 8:14  <b>Board's</b> 2:18 7:5</p>	<p><b>F</b></p> <p><b>file</b> 7:22 8:2  <b>final</b> 8:3  <b>first</b> 3:11 4:5  <b>Fletcher</b> 1:22 2:3,10,14 2:17 3:7,12,15,20 4:1 4:4,7,11,17 5:3,6,13 5:19 7:2,7,12 8:5,9,14  <b>forward</b> 2:4  <b>full</b> 6:5,6</p> <p><b>G</b></p> <p><b>going</b> 2:11 5:7  <b>Good</b> 3:3  <b>GOVERNMENT</b> 1:1  <b>granted</b> 5:10 6:12  <b>group</b> 2:9 3:16,17 4:9 4:12 6:13,21</p>	<p><b>N</b></p> <p><b>N.W</b> 1:17  <b>name</b> 2:16 3:8,11 4:2,3 4:5,14,16 6:5,6 7:9  <b>need</b> 7:3  <b>New</b> 1:11 2:16  <b>notice</b> 1:19  <b>NW</b> 1:10 2:7</p>	<p><b>Q</b></p> <p><b>question</b> 5:7  <b>questions</b> 8:11  <b>quiet</b> 2:21</p> <p><b>R</b></p> <p><b>R-y-a-n</b> 3:14  <b>read</b> 6:1  <b>receipt</b> 7:15  <b>receive</b> 7:13,21  <b>reconsider</b> 7:17  <b>reconsideration</b> 6:15 8:1  <b>record</b> 3:9 4:14 6:1,2,10 8:18  <b>Reeves</b> 1:17  <b>Regulation</b> 1:3,20  <b>reinstatement</b> 5:11  <b>reinstates</b> 8:11  <b>representative</b> 3:17 4:8 5:8  <b>representatives</b> 2:9  <b>representing</b> 7:21  <b>requires</b> 6:2  <b>residential</b> 2:22  <b>Retailer</b> 1:11 2:16  <b>right</b> 6:8,14 7:11 8:4</p>
<p><b>C</b></p> <p><b>C-a-b-r-e-r-a</b> 3:10  <b>Cabrera</b> 3:5,5,10,10  <b>Call</b> 1:5 2:17 6:9,17,22 6:22 7:17 8:15,16  <b>card</b> 8:10  <b>case</b> 1:12 2:5,20  <b>Center</b> 1:17  <b>chance</b> 5:15  <b>Cinema</b> 1:9,9 2:4,5,6  <b>citation</b> 5:22  <b>Class</b> 1:11 2:16  <b>Code</b> 2:19  <b>Columbia</b> 1:1,20  <b>come</b> 2:3  <b>comment</b> 6:19  <b>concluded</b> 8:15,17  <b>conducting</b> 2:17  <b>considered</b> 5:21</p>	<p><b>H</b></p> <p><b>hearing</b> 1:5,16,19 2:18 6:9,17 7:1 8:15,16  <b>Hunter</b> 3:6</p> <p><b>I</b></p> <p><b>impact</b> 2:21  <b>information</b> 6:10 8:6  <b>initially</b> 5:9  <b>Introductions</b> 3:1  <b>issues</b> 2:20</p> <p><b>J</b></p>	<p><b>O</b></p> <p><b>Official</b> 2:19  <b>Okay</b> 2:13 4:1,7 8:5,9 8:14  <b>option</b> 8:2  <b>order</b> 2:21 5:21 7:14,16 7:22</p>	

**Roll** 1:5 2:17 6:9,17,22  
6:22 7:17 8:15,16

**Room** 1:16

**ruling** 8:3

**Ryan** 3:5,13

## **S**

**S-a-r-a-h** 5:1

**S-e-t-h** 4:19

**safety** 3:1

**Sarah** 5:1

**see** 8:12

**Seth** 4:19

**sheet** 8:7

**sign** 5:4

**signature** 5:18

**signatures** 6:7 7:3,8,10

**signed** 5:14,20 6:3,4,11  
6:21 7:6,15

**sit** 2:10

**somebody** 6:18

**South** 1:16

**speak** 2:11

**spell** 3:8,21 4:14

**stand** 4:13

**standing** 6:12

**state** 3:8 4:14

**states** 6:3

**Street** 1:10,17 2:7

**submissions** 5:15

**submitted** 6:22 7:3

**Suite** 1:16

**Suns** 1:9,9 2:4,5,6

**Sure** 4:15

## **T**

**t/a** 1:9

**table** 8:10

**Thank** 2:14 3:12,15

4:17 5:3 8:13,15

**time** 3:8,21

**today** 5:16

**trading** 2:6

## **U**

**untimely** 5:10 6:16

## **V**

**valid** 5:21

**vehicular** 2:22

## **W**

**want** 2:8 6:10,18

**Washington** 1:18

**way** 6:16

**went** 8:18

## **X**

## **Y**

## **Z**

## **0**

## **1**

**10** 7:16

**10:05** 1:19 2:2

**10:14** 8:18

**14** 3:17 6:13

**14th** 1:17

**15-PRO-00067** 1:12 2:5

**1601.2** 2:19

**1605.3** 6:1,3

**17** 1:15

## **2**

**2000** 1:17

**20009** 1:18

**2015** 1:15

## **3**

**3107** 1:10 2:6

## **4**

**400** 1:16

## **5**

**5** 6:21